U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG FILE NUMBER: 21895(01)** 

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State:

Texas

County: Galveston Center coordinates of site (latitude/longitude):

2-57-29 / 94-47-31

Approximate size of area (parcel) reviewed, including uplands: 0.006 acres.

Name of nearest waterway: Clear Lake Name of watershed: Clear Creek

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 9-8-05 Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square there appear to be \) (or) \( \square there appear to be no "waters of the limits are the limits and the limits are the limits United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.006 acre.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

La	ateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 ar	FILE NUMBER: 21895(01)
	Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation	High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics
	shelving other:	★ tidal gages     ★ other:     ★ ot
	survey to available datum; physical markings; veg	
넵	Wetland boundaries, as shown on the attached wetland deline	ation map and/or in a delineation report prepared by:
Bas		differential states and the site are not Waters of the states are not waters of the lagoons, pursuant to 33 CFR part 328.3.  In differential the irrigation ceased.  In diking dry land to collect and arposes as stock watering, irrigation, settling basins, or construction activity and pits excavated in dry land for the primarily assessment.
	abandoned and the resulting body of water meets the de 328.3(a).  Isolated, intrastate wetland with no nexus to interstate c Prior converted cropland, as determined by the Natural	ormnerses
	Non-tidal drainage or irrigation ditches excavated on dr. Other (explain):	
I I I I I I I I I I I I I I I I I I I	EVIEWED FOR JURSIDICTIONAL DETERMINATION (Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated This office does not concur with the delineation report, dated this office does not concur with the delineation report, date Data sheets prepared by the Corps.  Corps' navigable waters' studies:  J.S. Geological Survey Hydrologic Atlas:  J.S. Geological Survey 7.5 Minute Topographic maps:  J.S. Geological Survey 7.5 Minute Historic quadrangles:  J.S. Geological Survey 15 Minute Historic quadrangles:  J.S. Geological Survey 16 Minute Historic quadrangles:  J.S. Geological Survey 17 Minute Historic quadrangles:  J.S. Geological Survey 18 Minute Historic quadrangles:  J.S. Geological Survey 19 Minute Historic quadrangles:  J.S. Geol	cant.
Ot	ther information (please specify):	

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG FILE NUMBER: 23829

PROJECT LO	CATION INFORMATION:	
State:	Texas	
County:	Matagorda	
Center coo	rdinates of site (latitude/longitude):	28° 46' 45" N, 95° 36' 01" W
Approxima	ite size of area (parcel) reviewed includ	ing unlands: 0.23 acres

	App Nan	roximate	size of area (parcel) reviewest waterway: Gulf Intracoa ershed: Huc Code: 1209	ed, including stal Waterw	ay				
JUR			AL DETERMINATION Desktop determination Site visit(s)	⊠ ⊠	Date: 12 September 2005 Date(s): 23 June 2005				
	Juri	sdictiona	l Determination (JD):						
		United S	ary JD - Based on available tates" and/or "navigable wa ce 33 CFR part 331).	information ters of the U	, \( \sum_{\text{there appear to be (or)}} \sum_{\text{there appear to be no "waters of the fulled States"}}\) on the project site. A preliminary JD is not appealable				
	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:								
		There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.0049 acre.							
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.0049 acre.								
		☐ There			te waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No				
	<u>A.</u>	Waters of	ence of waters that are subje	t 329 as "na	avigable waters of the United States":  o and flow of the tide and/or are presently used, or have been used in art interstate or foreign commerce.				
	<ul> <li>B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":</li> <li>(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.</li> <li>(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.</li> </ul>								
		(3) The p sandflats, destruction (i) w	resence of other waters suc , wetlands, sloughs, prairie on of which could affect into thich are or could be used b	h as intrastat potholes, we erstate comn y interstate o	the lakes, rivers, streams (including intermittent streams), mudflats, at meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce.				
		(4) Import (5) The p	which are or could be used undments of waters otherwi resence of a tributary to a waters	for industria se defined a	l purposes by industries in interstate commerce. s waters of the US.				

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The Gulf Intracoastal Waterway (GIWW) is a federally maintained inland waterway. The GIWW is also subject to the ebb and flow of the tides. Therefore this water body is a jurisdictional water of the United States

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

<u>Late</u>	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328	2 a d 2200	FILE NUMBER: 23829
		and 329)	th Tido Line in the state of the
	clear, natural line impressed on the bank		th Tide Line indicated by: oil or scum line along shore objects
	the presence of litter and debris		fine shell or debris deposits (foreshore)
	changes in the character of soil destruction of terrestrial vegetation	$\boxtimes$	physical markings/characteristics
	shelving		tidal gages
	other:	Ц	other:
	M TY LW.		
	Mean High Water Mark indicated by:		
	survey to available datum; physical markings; v	egetation	lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland deli	ineation m	nan and/or in a delingation
			report prepared by:
Basis	For Not Asserting Jurisdiction:		
L T	The reviewed area consists entirely of uplands.		
<b>П</b> н	Unable to confirm the presence of waters in 33 CFR part 32 Headquarters declined to approve invited in	8(a)(1, 2,	or 4-7).
U	The Corps has made a case-specific determination that the function of the basis of Juited States:	ollowing	waters present on the site are not Waters of the
L	☐ Waste treatment systems, including treatment		
	Artificially irrigated areas, which would revert to up.  Artificial lakes and ponds created by exception.	land if the	is, pursuant to 33 CFR part 328.3.
L	Artificial lakes and ponds created by excavating and retain water and which are used exclusively formal.	or diking	dry land to collect and
	retain water and which are used exclusively for such rice growing.	purposes	as stock watering, irrigation, settling basins, or
	Artificial reflecting or swimming pools or other and	11	
	Artificial reflecting or swimming pools or other smal by excavating and/or diking dry land to retain water i Water-filled depressions created in dry land in city.	ll ornamer	ital bodies of water created
	Water-filled depressions created in dry land incidenta the purpose of obtaining fill, sand, or gravel unless ar	ior primar al to const	ily aesthetic reasons.
	the purpose of obtaining fill, sand, or gravel unless ar abandoned and the resulting body of water meets the	nd until th	e construction or excavation or annual
	abandoned and the resulting body of water meets the 328.3(a).	definition	of waters of the United States found at 22 CEP
	Isolated, intrastate wetland with no new terms		Timed States found at 33 CFR
		commer	ce.
	Prior converted cropland, as determined by the Natura	ai Resour	ses Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on Other (explain):	dry land.	Explain rationale:
	Guier (explain):		i sandiale.
DATA REV	TEWED FOR HUDSIDICTION		
<b>⋈</b> Ma	TEWED FOR JURSIDICTIONAL DETERMINATION  aps, plans, plots or plat submitted by or on behalf a full	V (mark a	ill that apply):
Dat	ta sheets prepared/submitted by or on behalf after the	olicant.	
			11 7
	This office does not concur with the delineation report, dated	, prepar ited	prepared by (company):
	a should prepared by the Corne		, prepared by (company):
U.S	rps' navigable waters' studies:  Geological Survey Hydrologic Atlas:		
☑ U.S.	Geological Survey 7.5 Minute Tonggrant		
U.S. U.S. U.S. U.S. U.S. V.S. V.S. V.S.	Geological Survey 7.5 Minute Topographic maps: Cedar Geological Survey 7.5 Minute Historic quadrangles:	Lakes We	est, Texas Quadrangle
U.S.	· Geological Survey 13 Minute Historic and draw -1.		
USL Noti	1 Individe Resources Conservation Complete Cattle		
Nati State	ronal wellalius lilventory mans. Cedar I akes West T.	Quadrangl	e
	e/Local wetland inventory maps:  MA/FIRM maps (Map Name & Date):	3-	
100-	year Floodplain Elevation is (NGVD)		
Aeria	al Photographs (Name & Date).		
U Othe	er photographs (Date).		
X Sites	anced Identification Wetland maps:		
Appl	visit/determination conducted on: 23 June 2005 licable/supporting case law:		
Other	er information (please specify):		
	- · · · · · · · · · · · · · · · · · · ·		

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.



<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

**DISTRICT OFFICE: CESWG** FILE NUMBER: 23931

PRO	).JE	CT	LO	CA	TI	ON	INF	ORN	ЛΔ	TION	

State: Texas County: Harris

Center coordinates of site (latitude/longitude): Approximate size of area (parcel) reviewed, including uplands: 4.2 acres.

29.5906N; 95.0395W

Name of nearest waterway: Taylor Lake Name of watershed: Galveston Bay

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 12 September 2005

Site visit(s)

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square there appear to be \) (or) \( \square there appear to be no "waters of the limits to be the limits and the limits are the limits and the limits are the limi United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Date(s):

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.5 acre.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

				2			
L	cl th ch	tent of Jurisdiction ry High Water Mark ear, natural line imp e presence of litter a nanges in the charact estruction of terrestri elving her:	ressed on the bank and debris	R parts 328 and	High 7	Tide Line indicated by: oil or scum line along sh fine shell or debris depo- physical markings/chara- idal gages other:	sits (foreshore)
	Mean H	igh Water Mark ind ey to available datur	icated by: n;	kings; 🗌 vegeta	tion lin	nes/changes in vegetation	n types.
	Wetland	boundaries, as show	vn on the attached w	vetland delineati	on map	and/or in a delineation	report prepared by:
	Unable to Headquar The Corp United Si W A A A A A A A A A A A A A A A A A A	Vaste treatment syster rtificially irrigated a rtificially irrigated a rtificial lakes and potain water and which ce growing.  rtificial reflecting or vexcavating and/or of a ter-filled depression purpose of obtaining and oned and the res 8.3(a).  Plated, intrastate wet ior converted croplant on-tidal drainage or iner (explain):	ntirely of uplands. ce of waters in 33 C rove jurisdiction on pecific determinations, including treatments, which would ronds created by excapt are used exclusive swimming pools or diking dry land to reins created in dry land gfill, sand, or graveulting body of water land with no nexus tond, as determined by rrigation ditches except of waters.	the basis of 33 (an that the follow ment ponds or late evert to upland it wating and/or dily for such purportain water for pred incidental to cell unless and unit meets the definition interstate comparts the Natural Reseavated on dry late and the Natur	CFR paving wa goons, pif the imking droses as amental imarily constructil the cition of merce. Sources and. Ex	art 328.3(a)(3). Atters present on the site as pursuant to 33 CFR partirigation ceased. Ty land to collect and stock watering, irrigation leads of water created assthetic reasons. Total total activity and pits expensive tion activity and pits expensive of the United States of the United States of the United States Conservation Service. It is conservation Service.	on, settling basins, or  d  accavated in dry land for on operation is tates found at 33 CFR
D C C U U U U U U U U U U U U U U U U U	Data sheets This of This of This of This of Data sheets Forps' navi J.S. Geolog J.S. Geolo	o FOR JURSIDICTS, plots or plat submit prepared/submitted fice concurs with the fice does not concur prepared by the Coigable waters' studie gical Survey 7.5 Mingical Survey 7.5 Mingical Survey 15 Minural Resources Consetlands inventory may wetland inventory may maps (Map Name codplain Elevation is graphs (Date): entification Wetlandermination conducted upporting case law: attion (please specify	by or on behalf of the edelineation report, with the delineation ps. s: Degic Atlas: Lute Topographic maute Historic quadrante Historic quadrante Prvation Service Soil aps: & Date):  (NGVD)  (maps: d on:	he applicant. dated , property, dated  preport, dated  aps: League City ggles:	t. repared , p	by (company): prepared by (company):	

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** Galveston District

FILE N	UMBER: D-17684
Sta Cor Cer Ap Nar	CT LOCATION INFORMATION:  te: Texas unty: Cameron ter coordinates of site (latitude/longitude): 26-2-51.9 97-45-37.9 proximate size of area (parcel) reviewed, including uplands: approx. 0.5 acres. the of nearest waterway: Rio Grande the of watershed: Rio Grande
	DICTIONAL DETERMINATION  mpleted: Desktop determination
Jui	risdictional Determination (JD):
	Preliminary JD - Based on available information, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
$\boxtimes$	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	☑ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.25 acre.
	☑ <i>There are</i> "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No.  Jurisdiction.
A.	OF JURISDICTIONAL DETERMINATION:  Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B. ⊠	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands.  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.  (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.  (iii) which are or could be used for industrial purposes by industries in interstate commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Project is located along a canal that contains a pump system to bring in water from the Rio Grande, a navigable river. Water from the river is pumped to other locations for irrigation and other uses, and the capacity of flow in the river is impacted by the activities along the canal.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

(4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

La ⊠	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  ☐ clear, natural line impressed on the bank ☐ the presence of litter and debris ☐ changes in the character of soil ☐ destruction of terrestrial vegetation ☐ shelving ☐ other:  FILE NUMI  High Tide Line indicated by: ☐ oil or scum line along shore objectine shell or debris deposits (fore physical markings/characteristics tidal gages ☐ other:	cts shore)	D-17684
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.  Wetland boundaries, as shown on the attached water dathings.		
Bas	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report provided for Potential States.  Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report provided for Potential States.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Volumed States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation opera abandoned and the resulting body of water meets the definition of waters of the United States for 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain	ng basi in dry ition is	of the ins, or land for 33 CFR
I I I I I I I I I I I I I I I I I I I	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):  EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  J.S. Geological Survey Hydrologic Atlas:  J.S. Geological Survey Hydrologic Atlas:  J.S. Geological Survey 7.5 Minute Topographic maps: Santa Maria  J.S. Geological Survey 15 Minute Historic quadrangles:  J.S. Geological Survey 15 Minute Historic quadrangles:  J.S. Antural Resources Conservation Service Soil Survey: Cameron National wetlands inventory maps: Santa Maria  State/Local wetland inventory maps:  EMA/FIRM maps (Map Name & Date): Cameron County, Community Panel 480101 0225 B September (NGVD)  Weirial Photographs (Name & Date):  Wher photographs (Date):  dvanced Identification Wetland maps:  ite visit/determination conducted on:  pplicable/supporting case law:  ther information (please specify):	15, 19	083

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

	ICT OFFICE: CESWG-PE-RC IUMBER: D-17627
Sta Co Ce Ap Na	ate: Texas punty: Harris County nter coordinates of site (latitude/longitude): 29° 51' 42"N, 95° 07' 53"W (NAD27) proximate size of area (parcel) reviewed, including uplands: 0.1 acres. me of nearest waterway: The San Jacinto River me of watershed: Buffalo-San Jacinto
	mpleted: Desktop determination Date: 13 September 2005 Site visit(s) Date(s):
Jui	risdictional Determination (JD):
	· · ·
Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS (	OF JURISDICTIONAL DETERMINATION:
A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands.  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.  (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.  (iii) which are or could be used for industrial purposes by industries in interstate commerce.  (4) Impoundments of waters otherwise defined as waters of the US.  (5) The presence of a tributary to a water identified in (1) – (4) above.
***************************************	(7) The presence of wetlands adjacent <sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands. onale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional
	or our isorctional poter initiation (applies to any boxes enecked above). It the jurisdictional

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

La	ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving	FILE NUMBER: D-17627  28 and 329)  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	survey to available datum; physical markings;	
	<ul> <li>Waste treatment systems, including treatment pondartificially irrigated areas, which would revert to a Artificial lakes and ponds created by excavating an retain water and which are used exclusively for surrice growing.</li> <li>Artificial reflecting or swimming pools or other sm by excavating and/or diking dry land to retain water water water filled depressions created in dry land incides the purpose of obtaining fill, sand, or gravel unless abandoned and the resulting body of water meets the 328.3(a).</li> <li>Isolated, intrastate wetland with no nexus to interst Prior converted cropland, as determined by the Nat</li> </ul>	s of 33 CFR part 328.3(a)(3).  e following waters present on the site are not Waters of the  ds or lagoons, pursuant to 33 CFR part 328.3.  upland if the irrigation ceased.  nd/or diking dry land to collect and  ch purposes as stock watering, irrigation, settling basins, or  nall ornamental bodies of water created  er for primarily aesthetic reasons.  natl to construction activity and pits excavated in dry land for  and until the construction or excavation operation is  ne definition of waters of the United States found at 33 CFR  atte commerce.  ural Resources Conservation Service. Explain rationale:
U U U U U W U U W U U W U U W U U W U U W U U W A A A A	Adaps, plans, plots or plat submitted by or on behalf of the applicate sheets prepared/submitted by or on behalf of the applicate this office concurs with the delineation report, dated This office does not concur with the delineation report, Data sheets prepared by the Corps.  Corps' navigable waters' studies:  J.S. Geological Survey Hydrologic Atlas:  J.S. Geological Survey 7.5 Minute Topographic maps: 1995;  J.S. Geological Survey 7.5 Minute Historic quadrangles:  J.S. Geological Survey 15 Minute Historic quadrangles:  J.S. Geological Survey 16 Minute Historic quadrangles:  J.S. Geological Survey 17 Minute Historic quadrangles:  J.S. Geological Survey 18 Minute Historic quadrangles:  J.S. Ge	pplicant. cant, prepared by (company): dated, prepared by (company):  5, 1957, and 1982  Harris County, 1976  Louisiana, June 8, 1998  ands, Texas, 1995

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: D-17384 PROJECT LOCATION INFORMATION: State: Texas County: Calcasieu Parish Center coordinates of site (latitude/longitude): Site 1 30° 12′ 13″N, 93° 35′ 16″W Approximate size of area (parcel) reviewed, including uplands: _N/A Name of nearest waterway: Hampton Coulee Name of watershed: Lower Sabine River							
JURISDICTIONAL DETERMINATION							
Completed: Desktop determination							
Jurisdictional Determination (JD):							
Preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or) } \subseteq  there appear to be a United States" and/or "navigable waters of the United States" on the project site. A preliminary JD (Reference 33 CFR part 331).	no "waters of the is not appealable						
Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:							
There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:							
There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:Unknown							
There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for D Jurisdiction.	etermination of No						
BASIS OF JURISDICTIONAL DETERMINATION:  A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or he the past, or may be susceptible for use to transport interstate or foreign commerce.	nave been used in						
B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible.	e to use in						
interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (2) The presence of interstate waters including interstate wetlands.  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent strea sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, d destruction of which could affect interstate commerce including any such waters (check all that appl (i) which are or could be used by interstate or foreign travelers for recreational or other purpose	nms), mudflats, legradation or ly):						
(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce	ა. შ.						
(iii) which are or could be used for industrial purposes by industries in interstate commerce.							
<ul> <li>(4) Impoundments of waters otherwise defined as waters of the US.</li> <li>(5) The presence of a tributary to a water identified in (1) – (4) above.</li> </ul>							
(6) The presence of territorial seas.							
(7) The presence of wetlands adjacent <sup>2</sup> to other waters of the US, except for those wetlands adjacent	to other wetlands						

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Hampton Coulee is a water of the United States that eventually flows into the Sabine River, a navigable water of the Unites States.

FILE NUMBER: D-17384

Latera	Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)   Ordinary High Water Mark indicated by:     clear, natural line impressed on the bank   oil or scum line along shore objects   fine shell or debris deposits (foreshore)   physical markings/characteristics   tidal gages   other:					
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.					
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:					
Bas	Basis For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328 26(2)					
I I I I I I I I I I I I I I I I I I I	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated, prepared by (company):  Data sheets prepared by the Corps.  Data sheets prepared by (company):  Data sheets prepared by (co					

Wellands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston **FILE NUMBER:** D-17549 PROJECT LOCATION INFORMATION: State: Texas County: Nueces Center coordinates of site (latitude/longitude): 27 42 49.8437; 97 29 19.2561 Approximate size of area (parcel) reviewed, including uplands: 145 acres. Name of nearest waterway: Oso Creek Name of watershed: South Corpus Christi Bay JURISDICTIONAL DETERMINATION **Completed:** Desktop determination Date: 13 Sep 2005 Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information,  $\square$  there appear to be (or)  $\square$  there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 3.7 acres. There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

REVISED 7 SEP 04 FILE NUMBER: D-17549

L	Acteral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba N	Insis For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Infrared color aerial photo shows channelized feature surrounded by upland area and above FEMA flood plain.  Other (explain):
DATA	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic map: Oso Creek NW, TX.  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 17.5 Minute Historic quadrangles:  U.S. Geological Survey 17.5 Min

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRI	CT OI	FFICE:	CESWG	-PE-R	ŧС

FILE NUMBER: D-17497

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T 7.	$\mathbf{v}_{\mathbf{I}}$	$\sim$ 1				$\mathbf{v}_{1}$	1171		TOTAL			٦.

State:

TX

County:

Galveston Center coordinates of site (latitude/longitude):

29° 30' 97"N, 94° 76' 36"W (NAD27)

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: Gulf of Mexico

Name of watershed:

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 09/13/05

Site visit(s)

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or)} \subseteq \text{there appear to be no "waters of the appear to be no"} \)
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: There are Gulf of Meixco is navigable water of the US

FILE NUMBER: D-17497

	Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
[2]	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company): SSCI This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps.  Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Autural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: 11 (NGVD) Aerial Photographs (Name & Date): 1995 & 2003 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): Previous determiations on the site and in the adjacent area

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

FILE N PROJEC Stat Cou	CT OFFICE: CESWG  UMBER: D-17280  CT LOCATION INFORMATION:  te: Texas  unty: Orange County  ter coordinates of site (latitude/longitude): Site 30° 02' 08"N, 93° 44' 18"W  proximate size of area (parcel) reviewed, including uplands: N/A				
Nar	ne of nearest waterway: Sabine River ne of watershed: Lower Sabine River				
	DICTIONAL DETERMINATION  mpleted: Desktop determination				
Jur	isdictional Determination (JD):				
	Preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or) } \subseteq  there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).				
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:				
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:				
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:				
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.				
BASIS (	OF JURISDICTIONAL DETERMINATION:				
A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.				
В. П	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in				
	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands <sup>1</sup> .				
	<ul> <li>(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):         <ul> <li>(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.</li> <li>(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.</li> </ul> </li> </ul>				
<b>65</b>	(iii) which are or could be used for industrial purposes by industries in interstate commerce.				
	<ul> <li>(4) Impoundments of waters otherwise defined as waters of the US.</li> <li>(5) The presence of a tributary to a water identified in (1) – (4) above.</li> </ul>				
	(6) The presence of territorial seas.				
Ш	(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.				

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The Sabine River is a navigable water of the United States.

FILE NUMBER:	D-17280

Lateral	Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
I I I I I I I I I I I I I I I I I I I	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated, prepared by (company):  This office does not concur with the delineation report, dated, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  J.S. Geological Survey Hydrologic Atlas:  J.S. Geological Survey 7.5 Minute Topographic maps: Orange, Texas  J.S. Geological Survey 7.5 Minute Historic quadrangles:  J.S. Geological Survey 15 Minute Historic quadrangles:  J.S. Geological Survey 15 Minute Historic quadrangles:  J.S. Geological Survey 16 Minute Historic quadrangles:  J.S. Geological Survey 17.5 Minute Historic quadrangles:  J.S. Geological Survey 18 Minute Historic quadrangles:  J.S. Geological Survey 19 Minute Historic quadrangles:  J.S. Geological Survey 19 Minute Historic quadrangles:  J.S. Geological Survey 19 Minute Historic quadrangles:  J.S. Geological Survey 10 Minute Historic quadrangles:  J.S. Geological Surv

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

FILE N PROJE Sta Con Cer App Nan	CT OFFICE: CESWG  UMBER: D-16300/03  CT LOCATION INFORMATION:  te: Texas  unty: Jefferson  ter coordinates of site (latitude/longitude): 29° 46' 12"N, 93° 56' 46"  proximate size of area (parcel) reviewed, including uplands: 1.1-mile pipeline  me of nearest waterway: Keith Lake  me of watershed: Sabine Lake
	DICTIONAL DETERMINATION  mpleted: Desktop determination
Jur	isdictional Determination (JD):
	Preliminary JD - Based on available information, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:12.9-acres Keith Lake and Keith Lake Pass
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:28.7-acres
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS (A.	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B. ⊠	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
	(2) The presence of interstate waters including interstate wetlands.  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.  (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.  (iii) which are or could be used for industrial purposes by industries in interstate commerce.
	<ul> <li>(iii) which are or could be used for industrial purposes by industries in interstate commerce.</li> <li>(4) Impoundments of waters otherwise defined as waters of the US.</li> <li>(5) The presence of a tributary to a water identified in (1) – (4) above.</li> <li>(6) The presence of territorial seas.</li> <li>(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.</li> </ul>

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands adjacent to Keith Lake and Keith Lake Pass, which are tidal navigable waters of the United States.

FILE NUMBER:

D-16300/03

Latera	Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)   Ordinary High Water Mark indicated by:   Clear, natural line impressed on the bank   Oil or scum line along shore objects   fine shell or debris deposits (foreshore)   Changes in the character of soil   Physical markings/characteristics   destruction of terrestrial vegetation   destruction of terrestrial vegetation   Other:	
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.	
X	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Gremminger and Associates, Inc.	
Ba	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328 3(a)(3)	r fo
Associate National Control of the Co	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, datedSept 1, 2005 prepared by (company): Gremminger and es, Inc.  This office does not concur with the delineation report, dated, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Port Arthur South  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic qu	

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydropbyth, regetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Galveston District

FILE NUMBER: D-17739

#### PROJECT LOCATION INFORMATION:

State: Texas County: Harris

Center coordinates of site (latitude/longitude): 29-47-14 / 95-46-36 Approximate size of area (parcel) reviewed, including uplands: 0.66 acres.

Name of nearest waterway: Mason Creek Name of watershed: Buffalo Bayou

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

X

Date: 9-15-05

Date(s):

# Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or)} \subseteq \text{there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.66 acre.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No.

### BASIS OF JURISDICTIONAL DETERMINATION:

Jurisdiction.

- A. Waters defined under 33 CFR part 329 as "navigable ventors of the U. The Presence of waters that are subject to the ebb and flow of the tide und/or are presently used, or have been read the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
  - (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17739

	eral Extent of Jurisdiction: (Reference: 33 CFR parts Ordinary High Water Mark indicated by:  ☐ clear, natural line impressed on the bank ☐ the presence of litter and debris ☐ changes in the character of soil ☐ destruction of terrestrial vegetation ☐ shelving ☐ other:	High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings;	vegetation lines/changes in vegetation types
Barrane .		delineation map and/or in a delineation report prepared by:
T	Waste treatment systems, including treatment p Artificially irrigated areas, which would revert Artificial lakes and ponds created by excavating	asis of 33 CFR part 328.3(a)(3). the following waters present on the site are not Waters of the onds or lagoons, pursuant to 33 CFR part 328.3. to upland if the irrigation ceased. z and/or diking dry land to collect and
	retain water and which are used exclusively for rice growing.	such purposes as stock watering, irrigation, settling basins, or
. [	Artificial reflecting or swimming pools or other by excavating and/or diking dry land to retain w	small ornamental bodies of water created
	water-filled depressions created in dry land inc the purpose of obtaining fill, sand, or gravel unl	idental to construction nativity and nite avanuate the true base and
	Isolated, intrastate wetland with no nexus to inte	ristata commerce. Adami Mareera a Court out out out with philosophy and
	Non-tidal drainage or irrigation ditches excavate	
Da Da Co U.s U.s U.s U.s U.s Aer Adv Adv App	AIEWED FOR JURSIDICTIONAL DETERMINA aps, plans, plots or plat submitted by or on behalf of the ata sheets prepared/submitted by or on behalf of the ap This office concurs with the delineation report, date This office does not concur with the delineation report ata sheets prepared by the Corps. This office does not concur with the delineation report at sheets prepared by the Corps. This office does not concur with the delineation report at sheets prepared by the Corps. This office does not concur with the delineation report at sheets prepared by the Corps. This office does not concur with the delineation report at sheets prepared by the Corps. This office does not concur with the delineation report at sheets prepared by the Corps. This office does not concur with the delineation report at sheets prepared by the Corps. The Google Atlas: This office does not concur with the delineation report at sheets prepared by the Corps. This office does not concur with the delineation report at sheets prepared by the Corps. This office does not concur with the delineation report at sheets prepared by the Corps. This office does not concur with the delineation report, date at sheets prepared by the Corps. This office does not concur with the delineation report, date at sheets prepared by the Corps. This office does not concur with the delineation report, date at sheets prepared by the Corps. This office does not concur with the delineation report, date at sheets prepared by the Corps. This office does not concur with the delineation report, date at sheets prepared by the Corps. This office does not concur with the delineation report, date at sheets prepared by the Corps. This office does not concur with the delineation report, date at sheets prepared by the Corps. This office does not concur with the delineation report, date at sheets prepared by the Corps. This office date at sheets prepared by the delineation report, date at sheets prepared by the corps. This office date at sheets prepared by the delineation report, date at	ne applicant.  pplicant.  d , prepared by (company):  ort, dated , prepared by (company):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG FILE NUMBER:** 14392(05)/1983

PR	O	JE	CT	1.0	CA	TI	ON	INF	ORMA	ATION:

State:

Texas

County:

Jefferson

Center coordinates of site (latitude/longitude):

29-46-9.5506 lat. 93-54-32.9337 long.

Approximate size of area (parcel) reviewed, including uplands: .049 acres.

Name of nearest waterway: Sabine Lake Name of watershed: Sabine Lake

## JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 9-15-05

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\sum\_{\text{there appear to be (or)}}\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .049 ac...

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- (2) The presence of interstate waters including interstate wedlands.

  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

14392(05)/1983

#### FILE NUMBER:

T.	ateral l	Extent of Jurisdictions (Defense 22 OFD	. 220		FILE NUMBER:
		Extent of Jurisdiction: (Reference: 33 CFR pa	irts 328 and	329)	
<u> </u>		inary High Water Mark indicated by:	M	High	h Tide Line indicated by:
	닏	clear, natural line impressed on the bank		П	oil or scum line along shore objects
	Ш	the presence of litter and debris		ī	fine shell or debris deposits (foreshore)
		changes in the character of soil		$\boxtimes$	physical marking (1
	$\Box$	destruction of terrestrial vegetation			physical markings/characteristics
	Ħ	shelving		$\sqcup$	tidal gages
	片	shelving			other:
	Ш	other:			
			•		
	Mean	n High Water Mark indicated by:			
	☐ s	urvey to available datum;   physical marking	s: 🔯 vegeta	tion 1	lines/changes in vagatation towar
		party steam marking	o, Ey vegeta	uloii i	mes/changes in vegetation types.
	Wetl	and boundaries, as shown on the attached wetla	and delineati	on m	an and/or in a delineation we
200	•	on the utuence well	aid deillicati	OH H	ap and/or in a defineation report prepared by:
Ra	sis For	Not Asserting Jurisdiction:			
	Tho -	avious de la servicion de la contraction de la c			
	THEI	eviewed area consists entirely of uplands.			
	Unab	le to confirm the presence of waters in 33 CFR	part 328(a)(	1, 2,	or 4-7).
	Head	quarters declined to approve jurisdiction on the	basis of 33	CFR	nart 328-3(a)(3)
	The (	Corps has made a case-specific determination the	at the follow	vina v	waters present on the site are not Waters of the
	Unite	ed States:	iat the long	villg '	waters present on the site are not waters of the
	H	Waste treatment systems, including treatmen	t ponds or la	goon	s, pursuant to 33 CFR part 328.3.
		Artificially irrigated areas, which would reve	rt to upland	if the	rirrigation ceased
		Artificial lakes and ponds created by excavat	ing and/or d	ikino	dry land to collect and
		retain water and which are used exclusively f	or such purr	oses	as stock watering, irrigation, settling basins, or
		rice growing.	or such purp	0303	as stock watering, irrigation, settling basins, or
			11		. 11 11 0
	ليا	Artificial reflecting or swimming pools or oth	ier small orn	amer	ital bodies of water created
		by excavating and/or diking dry land to retain	n water for p	rimar	ily aesthetic reasons.
		water-filled depressions created in dry land i	ncidental to	const	ruction activity and nits excavated in day land for
		the purpose of obtaining fin, said, or gravel t	iniess and ur	itil th	IC COnstruction or excavation operation is
		abandoned and the resulting body of water me	eets the defin	aition	of waters of the United States found at 33 CFR
		328.3(a).	cots the delli	nuon	of waters of the United States found at 33 CFR
	Ħ	Isolated, intrastate wetland with no nexus to i	nterstate con	nmer	ce.
		Prior converted cropland, as determined by th	e Natural Re	sour	ces Conservation Service. Explain rationale:
	$\vdash$	Non-tidal drainage or irrigation ditches excav	ated on dry l	and.	Explain rationale:
		Other (explain):	-		•
DATA R	EVIE	WED FOR JURSIDICTIONAL DETERMIN	JATION (m	aul. a	-II 4L - 4 1 .)
M	Mans	plans, plots or plat submitted by or on behalf or	MATION (M	агк а	iii that apply):
	Data al	plans, plots of plat submitted by of on benall of	the application	nt.	
		neets prepared/submitted by or on behalf of the	applicant.		
	$H = \Pi$	is office concurs with the delineation report, da	ited, p	repai	red by (company):
2	☐ Ih	is office does not concur with the delineation re	eport, dated	-	, prepared by (company):
	Data sr	leets prepared by the Corps.	. ,		, properties by (company).
×	Corps'	navigable waters' studies:			
	US G	eological Survey Hydrologic Atlas:			
葛	US G	pological Survey 7.5 M			
	U.S. G	eological Survey 7.5 Minute Topographic maps	3:		
	U.S. G	cological Survey 7.5 Minute Historic quadrangle	les:		
	U.S. G	cological Survey 15 Minute Historic quadrangle	es:		
	USDA	Natural Resources Conservation Service Soil S	urvev:		
	Nationa	il wetlands inventory maps:	uivey.		
	State/I	ocal wetland inventory maps:			
		Ethy (14 2)			
	CIVIA/	FIRM maps (Map Name & Date):			
	iuu-yea	r Floodplain Elevation is: (NGVD)			
	Aerial F	Photographs (Name & Date):			
	Other p	hotographs (Date):			
	Advanc	ed Identification Wetland maps:			
	Site vini	t/determination conducted on:			
	/110 VISI	bla/			
	zppiica	ble/supporting case law:			
	other in	formation (please specify):			
		**			

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** 14114(05)/852

PROJE		ON INFORMATION:		
Stat				
		eces		NOT TO 152 WOT 20050
		s of site (latitude/longitude		N27.79153 W97.38858
		of area (parcel) reviewed		g uplands: 0.7 acres.
		vaterway: Corpus Christi		
Nar	ne of watershe	d: Corpus Christi Ba	У	
JURISD	ICTIONAL I	DETERMINATION		
		sktop determination	$\boxtimes$	Date: 9/15/05
	-	e visit(s)		Date(s):
	5		3,000	
Jur		termination (JD):		
	United States	D - Based on available in and/or "navigable water 3 CFR part 331).	nformation ers of the U	a, ☐ there appear to be (or) ☐ there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
$\boxtimes$	Approved JD Check all tha		appealable	e action (Reference 33 CFR part 331).
	☑ There are the reviewed	"navigable waters of the area. Approximate size	United St	tates" (as defined by 33 CFR part 329 and associated guidance) within tional area: 0.17 acres.
	There are reviewed area	"waters of the United St a. Approximate size of ju	ates" (as ourisdiction	defined by 33 CFR part 328 and associated guidance) within the al area:
	There are	"isolated, non-navigabl Decision supporte Jurisdiction.	e, intra-sta ed by SWA	ate waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.
BASIS	OF JURISDIC	CTIONAL DETERMIN	ATION:	
Α.	Waters defin	ned under 33 CFR part	329 as "n	avigable waters of the United States":
	The presence	of waters that are subjec	t to the eb	b and flow of the tide and/or are presently used, or have been used in out interstate or foreign commerce.
В.	Waters defin	ned under 33 CFR part	328.3(a) a	s "waters of the United States":
ñ	(1) The prese	ence of waters, which are	currently	used, or were used in the past, or may be susceptible to use in
	interstate or f	foreign commerce, includ	ling all wa	ters which are subject to the ebb and flow of the tide.
13.	(2) The prese	ence of interstate waters i	ncluding i	nterstate wetlands <sup>1</sup> .
25	(3) The prese	ence of other waters such	as intrasta	te lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats, we	tlands, sloughs, prairie p	otholes, w	et meadows, playa lakes, or natural ponds, the use, degradation or
				merce including any such waters (check all that apply):
				or foreign travelers for recreational or other purposes.
				d be taken and sold in interstate or foreign commerce.
				al purposes by industries in interstate commerce.
		ments of waters otherwis		
	(5) The prese	ence of a tributary to a wa	ater identif	tied in $(1)$ – $(4)$ above.
	(6) The prese	ence of territorial seas.	.2	Cd. 110
كا	(7) The prese	ence of wetlands adjacent	t to other	waters of the US, except for those wetlands adjacent to other wetlands

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

14114(05)/852

La	Ordinary High Water Mark indicated by:   Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:   Clear the presence of litter and debris the presence of litter and debris changes in the character of soil the destruction of terrestrial vegetation the character of soil to receive the physical markings/characteristics tidal gages other:
×	Mean High Water Mark indicated by:  ⊠ survey to available datum; ⊠ physical markings; □ vegetation lines/changes in vegetation types.
i	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Corpus Christi, TX  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. A Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic Types Corpus Christi, TX  U.S. Geological Survey 15 Minute Historic Types Corpus Christi, TX  State/Local wetlands inventory maps: Corpus Christi, TX  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): GLO 2002  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** D-17580

<b>PROJE</b>	CT LOCAT	TION IN	FORMATION:		
Sta	te:	ГΧ			
		Starr			
Cei	nter coordina	ates of sit	e (latitude/longitud	e):	N26.300006 W98.75196
				, including	g uplands: 2.0 acres.
Na	me of neares		ay: Rio Grande		
Na	me of waters	shed:	Rio Grande		
			RMINATION	<b>N</b> 2	D.4. 0/15/05
Co			determination		Date: 9/15/05
		Site visit(	(s)		Date(s):
Ju	risdictional	Determi	nation (JD):		
$\boxtimes$	Preliminar	v JD - Ba	ased on available ir	formation	, $\square$ there appear to be (or) $\boxtimes$ there appear to be no "waters of the
Name of the last	United Sta	ites" and/	or "navigable wate	rs of the U	Inited States" on the project site. A preliminary JD is not appealable
			part 331).		
	`		•		
				appealable	e action (Reference 33 CFR part 331).
	Check all	that apply	y:		
		., .		11 1 10	w / 1.5 - 1 be 22 CFD and 220 and associated guidence) within
	I There	are "navi	gable waters of the	United St	ates" (as defined by 33 CFR part 329 and associated guidance) within
	the review	ed area.	Approximate size	oi jurisaic	uonai area.
	Thora	ara "wate	ers of the United St	ates" (as o	defined by 33 CFR part 328 and associated guidance) within the
	reviewed a	area Ani	proximate size of ju	risdiction	al area:
	ic vie wear	area. rip	proximate size or j		
	There	are "isol	ated, non-navigable	e, intra-sta	ate waters or wetlands" within the reviewed area.
			Decision supporte	d by SWA	NCC/Migratory Bird Rule Information Sheet for Determination of No
			Jurisdiction.		
BASIS	OF JURISI	DICTION	NAL DETERMIN	ATION:	L. I.I. Annua Cale Timita d Cardenille
<u>A.</u>	Waters do	efined ur	ider 33 CFR part	329 as "n	avigable waters of the United States":
	The preser	nce of wa	ters that are subject	t to the ed	b and flow of the tide and/or are presently used, or have been used in
	tne past, o	r may be	susceptible for use	to transpe	ort interstate or foreign commerce.
В.	Waters de	efined ur	nder 33 CFR nart	328.3(a) a	s "waters of the United States":
<u> </u>	(1) The pr	esence of	f waters, which are	currently	used, or were used in the past, or may be susceptible to use in
	interstate	or foreign	n commerce, includ	ing all wa	ters which are subject to the ebb and flow of the tide.
1.2	(2) The pr	esence of	f interstate waters i	ncluding i	nterstate wetlands <sup>1</sup> .
	(3) The pr	esence of	f other waters such	as intrasta	te lakes, rivers, streams (including intermittent streams), mudflats,
-	sandflats,	wetlands	, sloughs, prairie p	otholes, w	et meadows, playa lakes, or natural ponds, the use, degradation or
	destructio	n of whic	ch could affect inter	state com	merce including any such waters (check all that apply):
	(i) wl	hich are o	or could be used by	interstate	or foreign travelers for recreational or other purposes.
	ii) fr	om whic	h fish or shellfish a	re or could	d be taken and sold in interstate or foreign commerce.
	iii) v	which are	or could be used for	or industri	al purposes by industries in interstate commerce.
					as waters of the US.
				iter identif	fied in $(1) - (4)$ above.
<u> </u>	(6) The pr	resence o	f territorial seas.	2 40 041-	waters of the US, except for those wetlands adjacent to other wetlands
L	(7) The pr	resence o	i wetiands adjacent	to otner	waters of the O5, except for those wettaines adjacent to other wettaines

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

La ⊠	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  ☐ clear, natural line impressed on the bank ☐ the presence of litter and debris ☐ changes in the character of soil ☐ destruction of terrestrial vegetation ☐ other:  ☐ thigh Tide Line indicated by: ☐ oil or scum line along shore objects ☐ fine shell or debris deposits (foreshore) ☐ physical markings/characteristics ☐ tidal gages ☐ other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	<ul><li>Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:</li><li>Other (explain):</li></ul>
	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Rio Grande City South, TX
<b>國</b> <b>國</b>	U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: Rio Grande City South, TX State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 GLO Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Galveston District FILE NUMBER: 14114(05)/851 PROJECT LOCATION INFORMATION: State: Texas Hidalgo County: 26-20-22.9818 97-25-38.3390 Center coordinates of site (latitude/longitude): Approximate size of area (parcel) reviewed, including uplands: approximately 1 acres. Name of nearest waterway: Rio Grande Name of watershed: Rio Grande JURISDICTIONAL DETERMINATION Date: 15 Sept. 2005 **Completed:** Desktop determination Date(s): Site visit(s) Jurisdictional Determination (JD): Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: ☑ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: approximately 1 acre. There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [ (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. [1] (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Project will involve a directional drill boring under the Rio Grande, a navigable river.

FILE NUMBER: 14114(05)/851 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: La Joya, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: Hidalgo National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.